

'Federal Court'
at
'District Court of the united States
for New Jersey'

CLERK
U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
RECEIVED

2017 JAN 19 P 1:55

i, a man;
prosecutor

State of New Jersey; man with state trooper Id
7789
Wrongdoer(s)

2:16-CV-08870-JMV-JBC

Response to Motion to Dismiss

(verified)

Response to Motion to Dismiss

the *Rogers Court* presents response:

- Firstly:** i, a man, present evidence of my status as an American State National (i.e. non-citizen national of the United States) (see Exhibit A)
- Secondly:** As a State Citizen/American State National/non-citizen National of the United States your supreme court has agreed time and time again that State Citizens have all their inherent rights. (See Exhibit B 'Endnotes Jurisdiction')
- Thirdly:** As per the creation of the U.S. District Court, it is a 'court of record'. (see exhibit c) Courts of record proceed according to the course of the common law. (See exhibit B 'Notice Jurisdiction'.)
- Fourthly:** In common law, a court is 'the person and the suit of the sovereign'. This is my court being held at the Federal District Court where I purchased the services of a common law trial by jury. (see Exhibit D 'Notice Venue')
- Fifthly:** As per the creation of the U.S. District Courts, judges can only make decisions unless otherwise provided by law, or rule, or order of the court. (see Exhibit C)
- Sixthly:** The rules of my 'court' are clear. Only a jury can make any decisions (see Exhibit B 'Notice Jurisdiction' and therefore only a jury can dismiss my claim based upon voice verified testimony in an open court. (see Exhibit E 'Notice Verifications')
- Seventhly:** The wrongdoers admit to doing wrong but feel some technicality of wording should prevent them from making compensation for said wrongs.
- Eighthly:** Wrongdoers have not proven jurisdiction to violate my right to travel, right to be left alone, right to due process, right not to be intimidated, right not to be sexually assaulted during a "pat down", right to not have my property taken without just

compensation, right to be secure in my persons, papers, and effects, right to not have services forced upon me without benefit, and the right not to have a foreign jurisdiction forced upon me.

Ninethly: Your Supreme Court of the United States has ruled on this several times.

c.f. “No provision of the Constitution is designed to be without effect,” “Anything that is in conflict is null and void of law”, “Clearly, for a secondary law to come in conflict with the supreme Law was illogical, for certainly, the supreme Law would prevail over all other laws and certainly our forefathers had intended that the supreme Law would be the bases of all law and for any law to come in conflict would be null and void of law, it would bare no power to enforce, it would bare no obligation to obey, it would purport to settle as if it has never existed, for unconstitutionality would date f4rom the enactment of such a law, not from the date so branded in an open court of law, no courts are bound to uphold it, and no Citizens are bound to obey it. It operates as a near nullity or a fiction of law.” [Marbury v. Madison: 5 US 137 (1803)]

c.f. “A state may not impose a charge for the enjoyment of a right granted by the Federal Constitution... No state may convert any secured liberty into a privilege and issue a license and a fee for it.” [Murdock v. Penn 319 US 105 (1943)]

c.f. “If the state does convert your right into a privilege and issue a license and a fee for it, you can ignore the license and a fee and engage the right with impunity.” [Shuttlesworth v. Birmingham Al. 373 US 262 (1962)]

c.f. “The claim and exercise of a constitutional right cannot thus be converted into a crime.” [Miller v. U.S., 230 F.2nd 486 (1956)]

c.f. “...there can be no sanction or penalty imposed upon one because of his exercise of constitutional rights.” [Sherar v. Cullen 481 F 2nd 946 (1973)]

Tenthly: Your Supreme Court of the United States agrees that public servants are liable for their actions:

c.f. “The right of action created by statute relating to deprivation under color of law, of a right secured by the constitution and the laws of the United States and come claim which are based solely on statutory violations of Federal Law and applied to the claim that claimants had been deprived of their, in come capacity, to which they were entitled.” [Owen v. Independence 100 Vol. Supreme Court Reports. 1398 (1982)]

c.f. “Officers of the court have no immunity when violating a constitutional right from liability.” [Main v. Thiboutot 100 Vol. Supreme Court Reports. 2502 (1982)]

Eleventhly: i, a man, have caused no harm and done no wrong.

Twelfthly: i, say here, and will verify in open court, that all herein be true

Thomas F. Rogers

January 19, 2017



'Federal Court'
at
'District Court of the united States
for New Jersey'

Exhibit A

i, a man;
prosecutor

State of New Jersey, Man with the NJ State
Trooper ID 7789
Wrongdoer(s)

2:16-CV-08870-JMV-JBC

Notice: 'evidence'

(verified)

notice: 'evidence of "non-citizen national of the United States"'

the *Rogers Court* presents notice:

- Firstly:** i, a man, present evidence of my status as an American State National (i.e. non-citizen national of the United States) (see Exhibit A)
- Secondly:** As the original document holder, i will present the original to the jury should it be required;
- Thirdly:** i, say here, and will verify in open court, that all herein be true

Thomas F Rogers
January 19, 2017



No. 16/03530

Exhibit A

United States of America



DEPARTMENT OF STATE

To all to whom these presents shall come, Greeting:

I Certify That Brykyta K. Shelton

whose name is subscribed to the document hereunto annexed, was at the time

of subscribing the same Chief, Records Services Division,

Passport Services

-----, Department of State, United States

of America, and that full faith and credit are due to his acts as such.

In testimony whereof, I John F. Kerry

Secretary of State, have hereunto caused the seal of the

Department of State to be affixed and my name subscribed by the

Authentication Officer of the said Department, at the city of

Washington, in the District of Columbia, this 14th

day of September, 20 16



Issued pursuant to RS 161.5 USC 22, RS 203.5 USC 158; Sec. 1 of Act of June 25, 1948, 62 St. 946, 28 USC 1733; Sec. 4 of Act of May 26, 1949, 63 St. 111, 5 USC 151c; and Secs. 104 and 332 of Act of June 27, 1952 66 St. 174 and 253, 8 USC 1104, 1443, and 5 USC 140.

John F. Kerry
Secretary of State.

By Katherine M. O'Leary
Authentication Officer, Department of State

This certificate is not valid if it is removed or altered in any way whatsoever

United States Department of State

Washington, D.C. 20520

TO WHOM IT MAY CONCERN:

I, Brykta K. Shelton, Chief, Records Services Division, Office of Technical Operations, Passport Services Directorate, United States Department of State, certify under penalty of perjury that, as Chief of the Records Services Division, I am the custodian of the passport files.

I further certify that: 1) the passport record attached hereto and listed below, consisting of three pages, is a true copy of the original record in the custody of the Passport Services Directorate of the United States Department of State; 2) I am the custodian of this file, and 3) the record attached to this certificate was:

- A. Made at or near the time of the issuance of a passport, or the occurrence of the matters set forth therein, by the person executing the record with knowledge of the information provided therein;
- B. Kept in the course of regularly conducted activity under the authority of the Secretary of State to grant and issue passports; and,
- C. Made during the regularly conducted activity as a regular practice under the authority of the Secretary of State to grant and issue passports.

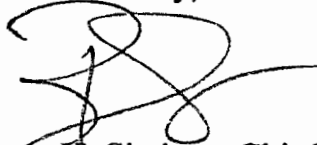
1. Application #271746505 for United States passport book #539105124 issued to Thomas Frederick Rogers on January 22, 2016, by the United States Department of State. **[Released in Part - Pursuant to the Freedom of Information Act, subsection (b)(6) and section (b) of the Privacy Act (5 U.S.C. § 552a). We have redacted material, the release of which would constitute a clearly unwarranted invasion of personal privacy of a third party, namely the passport acceptance or adjudication clerk.]**

-2-

I further state that this certification is intended to satisfy the following provisions:

- Rule 44, Federal Rules of Civil Procedure
- Rule 27, Federal Rules of Criminal Procedure
- Rule 902, Federal Rules of Evidence, under Title 28, United States Code Annotated

Sincerely,

A handwritten signature in black ink, appearing to be 'Brykita K. Shelton', written over a horizontal line.

Brykita K. Shelton, Chief
Records Services Division
Office of Technical Operations
Passport Services

Date: SEP 13 2016

First & Middle: 00210052-0002

Date of Birth (mm/dd/yyyy)

Thomas Frederick

11/27/1977

Information

Parent - First & Middle Name

Last Name (at Parent's Birth)

X ARNOLD

ROGERS

Date of Birth (mm/dd/yyyy)

Place of Birth

01/03/1950

Sex U.S. Citizen?

X Male ☐ Female ☒ Yes ☒ No

Mother/Father/Parent - First & Middle Name

Last Name (at Parent's Birth)

DEBORAH ELIZABETH

WISWALL

Date of Birth (mm/dd/yyyy)

Place of Birth

04/15/1953

Sex U.S. Citizen?

X Male ☐ Female ☒ Yes ☒ No11. Have you ever been married? ☒ Yes ☐ No If yes, complete the remaining items in #11.

Full Name of Current Spouse or Most Recent Spouse

Date of Birth (mm/dd/yyyy)

Place of Birth

REBECCA ANNE ROGERS 05/19/1981

U.S. Citizen?

Date of Marriage

08/06/2006

Have you ever been widowed or divorced?

Widow/Divorce Date

(mm/dd/yyyy)

12. Additional Contact Phone Number

13. Occupation (if age 16 or older)

14. Employer or School (if applicable)

Home Work

Landscaping

self employed

15. Height

16. Hair Color

17. Eye Color

18. Travel Plans

Departure Date (mm/dd/yyyy)

Return Date (mm/dd/yyyy)

Countries to be Visited

5'9 Brown Brown

19. Permanent Address - If P.O. Box is listed under Mailing Address or if residence is different from Mailing Address.

Street/RFD # or URB (No P.O. Box)

Apartment/Unit

RFD 77 SANDERS RD

City

ROCKAWAY

State

Zip Code

NJ

07866

20. Emergency Contact - Provide the information of a person not traveling with you to be contacted in the event of an emergency.

Name

Address Street/RFD # or P.O. Box

Apartment/Unit

Rebecca Anne Rogers

77 Sanders Rd

City

State Zip Code

Phone Number

Relationship

Rockaway

NJ 07866

973-784-4519

Wife

21. Have you ever applied for or been issued a U.S. Passport Book or Passport Card? Yes ☒ No ☐ If yes, complete the remaining items in #21.

Name as printed on your most recent passport book

Most recent passport book number

Most recent passport book issue date (mm/dd/yyyy)

Status of your most recent passport book

Submitting with application

Stolen

Lost

In my possession (if expired)

Name as printed on your most recent passport card

Most recent passport card number

Most recent passport card issue date (mm/dd/yyyy)

Status of your most recent passport card

Submitting with application

Stolen

Lost

In my possession (if expired)

PLEASE DO NOT WRITE BELOW THIS LINE - FOR ISSUING OFFICE ONLY

NAME AND ADDRESS OF APPLICANT

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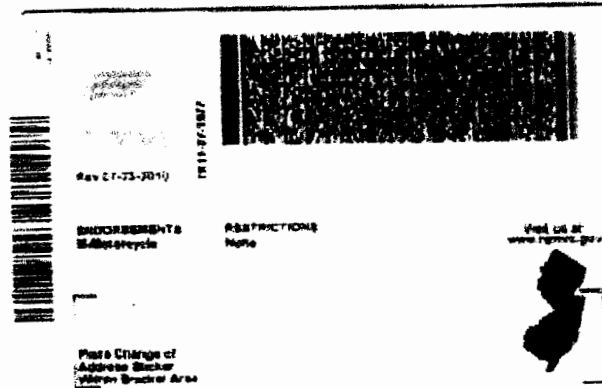
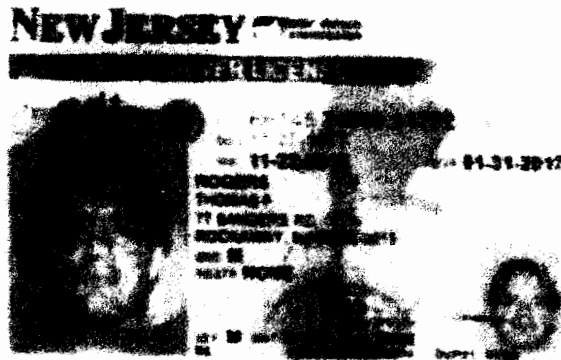


Exhibit C

Current
<< Previous TITLE 28 / PART I / CHAPTER 5 / § 132 Next >>

[Print] [Print selection]

[OLRC Home] Help

28 USC 132: Creation and composition of district courts

Text contains those laws in effect on January 18, 2017

From Title 28-JUDICIARY AND JUDICIAL PROCEDURE

PART I-ORGANIZATION OF COURTS

CHAPTER 5-DISTRICT COURTS

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§132. Creation and composition of district courts

- (a) There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district.
- (b) Each district court shall consist of the district judge or judges for the district in regular active service. Justices or judges designated or assigned shall be competent to sit as judges of the court.
- (c) Except as otherwise provided by law, or rule or order of court, the judicial power of a district court with respect to any action, suit or proceeding may be exercised by a single judge, who may preside alone and hold a regular or special session of court at the same time other sessions are held by other judges.

(June 25, 1948, ch. 646, 62 Stat. 895 ; Pub. L. 88-176, §2, Nov. 13, 1963, 77 Stat. 331 .)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §1, and section 641 of title 48, U.S.C., 1940 ed., Territories and Insular Possessions (Apr. 30, 1900, ch. 339, §86, 31 Stat. 158 ; Mar. 3, 1909, ch. 269, §1, 35 Stat. 838 ; Mar. 3, 1911, ch. 231, §1, 36 Stat. 1087 ; July 30, 1914, ch. 216, 38 Stat. 580 ; July 19, 1921, ch. 42, §313, 42 Stat. 119 ; Feb. 12, 1925, ch. 220, 43 Stat. 890 ; Dec. 13, 1926, ch. 6, §1, 44 Stat. 19).

Section consolidates section 1 of title 28, U.S.C., 1940 ed., and section 641 of title 48, U.S.C., 1940 ed., with changes in phraseology necessary to effect the consolidation.

Subsection (c) is derived from section 641 of title 48, U.S.C., 1940 ed., which applied only to the Territory of Hawaii. The revised section, by extending it to all districts, merely recognizes established practice.

Other portions of section 1 of title 28, U.S.C., 1940 ed., are incorporated in sections 133 and 134 of this title. The remainder of section 641 of title 48, U.S.C., 1940 ed., is incorporated in sections 91 and 133 of this title.

AMENDMENTS

1963-Subsec. (b). Pub. L. 88-176 inserted "regular" before "active service".

CONTINUATION OF ORGANIZATION OF COURT

Act June 25, 1948, ch. 646, §2(b), 62 Stat. 985 , provided in part that the provisions of this title as set out in section 1 of act June 25, 1948, with respect to the organization of the court, shall be construed as a continuation of existing law, and the tenure of the judges, officers, and employees thereof and of the United States attorneys and marshals and their deputies and assistants, in office on Sept. 1, 1948, shall not be affected by its enactment, but each of them shall continue to serve in the same capacity under the appropriate provisions of this title pursuant to his prior appointment.

'Federal Court'
at
**'District Court of the United States
for New Jersey'**

Exhibit B

i, a man;
prosecutor

State of New Jersey, Man with the NJ State
Trooper ID 7789
Wrongdoer(s)

2:16-CV-08870-JMV-JBC

Notice: 'jurisdiction'

(verified)

notice: jurisdiction

the *Rogers Court* presents notice:

Firstly: i, a man, enter '**my case**', [suit; accoutrements; &cs...] **into 'Federal Court'**
(*civilian court* Ex parte Milligan 71 U.S.(4 Wall) 2);

Secondly: i, pay money into a '**Federal Court**';

*"A party paying money into Court, admits the jurisdiction of such Court,
and can not plead in abatement to it." -- J. Chitty pg. 444 (1851)*

Thirdly: '**Federal Court**', is a '**court of record**';

25 C.J. Vol., *Federal Claim* § 344, pg 974

Fourthly: In a '**court of record**', the magistrate is independent of the tribunal;

Blacks Law Dictionary, 4th Ed. pg 1014

Fifthly: A '**court of record**': acts in accordance with common law;

Blacks Law Dictionary, 4th Ed. pg 1014

Sixthly: Suits in common law, the right of trial by jury shall be preserved;

Seventh Amendment

Seventhly: The jury can take upon themselves and determine at their own hazard, the
questions of fact and law; [*cf.* Littleton § 386; Bl. Comm. §378];

Eighthly: i, say here, and will verify in open court, that all herein be true

Thomas J. Rogers

December 20, 2016



Endnote regarding:

Notice: jurisdiction

SOVEREIGNTY OF THE “UNITED STATES”: exists only in an area not exceeding ten miles square known as Washington D.C and its territories, possessions, and enclaves.

Constitution for the united States Article 1 Sec 8 (17)

Constitution for the united States Article 4 Sec 3 (2)

(*cf.* Hooven & Allison Co. v. Evatt 324 U.S. 652 (1945))

THE STATES OF THE UNITED STATES are subject to the jurisdiction of the ‘United States’ and are not the organic States of the Union. (UCC 1-201 (38)) The State of New Jersey is one such State of the United States.

FEDERAL CITIZENS are people birthed or naturalized in the ‘United States’. (i.e. Washington D.C., its territories, possessions, and enclaves)

50 STATES OF THE UNION are the organic states united by and under the Constitution for the united States of America. (*cf.* Hooven & Allison Co. v. Evatt 324 U.S. 652 (1945))

AMERICAN STATE NATIONAL: man or woman birthed on the land within the borders of One of the 50 States of the Union. Also Known As: **THE PEOPLE.** At the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves... (*cf.* Chisholm v Georgia (US) 2 Dall 419, 454, 1 L Ed 440, 455, 2 DALL (1793) pp471-472)

The ‘United States’ has long standing tradition of recognition between the privileges of its citizens and residents and the People of the 50 States of the Union which are distinct and foreign to each other.

c.f. “It is quite clear, then, that there is a citizenship of the United States and a citizenship of a State, which are distinct from each other and which depend upon different characteristics or circumstances in the individual.” [Slaughter House Cases, 83 U.S. 36 (1873)]

c.f. “We have in our political system a Government of the United States and a government of each of the several States. Each one of these governments is distinct from the others, and each has citizens of its own” [U.S. v. Cruikshank, 92 U.S. 542 (1875)]

c.f. “There are, then , under our republican form of government , two classes of citizens, one of the United States and one of the state...” [Gardina v. Board of Registrars, 160 Ala. 155 (1909)]

c.f. "the term 'citizen' in the United States, is analogous to the term 'subject' in common law; the change of phrase has resulted from the change in government." [State v Manuel, 20 NC 122]

c.f. "...rights of national citizenship as distinct from the fundamental or natural rights inherent in state citizenship." [Madden v Kentucky, 309 U.S. 83: 84 L.Ed. 590 (1940)]

c.f. "...rights of national citizenship as distinct from the fundamental or natural rights inherent in state citizenship." [Madden v Kentucky, 309 U.S. 83: 84 L.Ed. 590 (1940)]

c.f. "Taxpayers are not [de jure] State Citizens." [Belmont v. Town of Gulfport 122 So. 10]

c.f. "The privileges and immunities clause of the 14th Amendment protects very few rights because it neither incorporates the Bill of Rights, nor protects all rights of individual citizens. Instead this provision protects only those rights peculiar to being a citizen of the federal government; it does not protect those rights which relate to state citizenship" [Jones v. Temmer, 89 F.Supp 1226]

c.f. "The only absolute and unqualified right of a United States citizen is to residence within the territorial boundaries of the United States." U.S. vs Valentine 288 F.Supp. 957]

c.f. "The governments of the United States and of each state of the several states are distinct from one another. The rights of a citizen under one may be quite different from those which he has under the other." [Colgate v. Harvey, 296 U.S. 404; 56 S. Ct. 252 (1935)]

c.f. "That's not what the Founders of this nation envisioned when they gave us the gift of self-government." President Obama October 17, 2013 Statement in regards to reopening the government.

OATH SWORN MEN AND WOMEN under the United States: may administer to the affairs of their citizens and residents through their statutes, codes, rules, ordinances, etc. They are, however, ^{under} contract with American State Nationals to protect their inherent rights.

'Federal Court'
at
'District Court of the united States
for New Jersey'

Exhibit D

i, a man;
prosecutor

State of New Jersey; Man with NJ State Trooper
ID 7789
Wrongdoer(s)

2:16-cv-08870-JMV-JBC

(verified)

notice: venue

the *Rogers Court* presents notice:

- Firstly:** i, a man, enter '**my case**', [suit; accoutrements; &cs...] **into 'Federal Court'**
- Secondly:** '**Federal Court**' is to convene **at, a public courthouse** (venue);
- Thirdly:** The public courthouse, in where 'my case' lies, is known as a *federal district court*;
- Fourthly:** The *federal district court* is **at** a location also referred to as:
- 'Martin Luther King Building & U.S. Courthouse'
 - 'UNITED STATES DISTRICT COURT, District of New Jersey'
 - 'The district court of the united States';
- Fifthly:** The Name of the *public courthouse* varies but, at all times 'my case' lies '**in Federal Court**';
- Sixthly:** I, say here, and will verify in open court, that all herein be true;

Thomas F Rogers

December 20, 2016



'Federal Court'
at
'District Court of the united States
for New Jersey'

Exhibit E

i, a man;
prosecutor

State of New Jersey; Man with NJ State Trooper
ID 7789
Wrongdoer(s)

2:16-cv-08870-JMV-JBC

(verified)

notice: verifications

the *Rogers Court* presents notice:

Firstly: i, a man, declare and require: all documents (including recommendations and orders) being placed into the 'case' are to be verified in open court, under oath or affirmation, all documents submitted without verification the Court will take notice as a contempt of court and will be VOID;

Secondly: I, say here, and will verify in open court, that all herein be true;

Thomas F. Rogers

December 20, 2016

